

**REMARKS****Status of the Claims**

Claims 1-15 and 23-32 are currently pending and under examination. Claims 16-22 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

**Rejection under 35 U.S.C. § 102(b)**

Claims 1, and 8-11, have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Burke (U.S. Patent 5,552,156).

The Office Action alleges that Burke discloses liposomal and micellar stabilization of camptothecin drugs. The Office Action alleges that Example 3 of Burke discloses cationic micelles in a suspension. It is respectfully submitted that Burke does not disclose cationic micelles, but rather liposomes derived from dimyristoyl phosphatidylcholine (DMPC), which is not cationic. Burke in fact discloses a list of preferred lipids derived from phosphatidylcholine, none of which carry a charge (*see*, column 6, lines 16-23 and 29-34). Burke only contemplates use of a negatively charged lipid as a low concentration intermediate with a high concentration neutral lipids to achieve repulsion between the resulting micelles (*see* column 6, lines 24-29). Burke does not contemplate the use of a positively charged lipid, nor does Burke even disclose a cationic lipid. Accordingly, Burke does not anticipate the claimed invention. Therefore, Applicants respectfully request withdrawal of the rejection.

**Rejection under 35 U.S.C. § 102(a)**

Claims 1, 2, 4, 5, 7-11, 15, and 30 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Munich Biotech (EP Patent Application 139719).

The Office Action alleges that Munich Biotech discloses camptothecin carbohydrate formulations. It is respectfully pointed out that the present application claims priority to EP Application 03029799.8, filed December 23, 2003. Munich Biotech has a publication date of March 3, 2004. Accordingly, Munich Biotech is not prior art over the claimed invention because it was published after the date to which the claimed invention claims priority. It is therefore respectfully requested that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 3, 6, 12-14, 16-29, 31, and 32 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Munich Biotech (EP Patent Application 139719).

The deficiencies of Munich Biotech are discussed above. Namely, this document is not prior art over the claimed invention as it was published after the date to which the claimed invention claims priority. It is therefore respectfully requested that this rejection be withdrawn.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Date: **January 28, 2009**  
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Respectfully submitted,  
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